

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
vs.)	1:18-cr-00286-TWP-DLP
)	
NOLAN BREWER)	
)	

SENTENCING MEMORANDUM

Defendant Nolan Brewer, by counsel, Samuel Ansell, respectfully submits the following sentencing memorandum in the above captioned case.

Introduction

In the early morning hours of Saturday, July 28, 2018, Nolan Brewer and his co-conspirator spray-painted anti-Semitic symbols, including swastikas and Nazi flags, on the south and west walls of a garbage dumpster enclosure located on the southwest edge of the land occupied by the Shaarey Tefilla Synagogue. *See* Exhs. 1-3 (Satellite images of Synagogue property showing dumpster enclosure at southwest corner of property). They also used a flammable mixture of gasoline and Styrofoam, which they transported in a cooking pot, to set fire to the grass in front of the images they had painted. The vandalized portions of the dumpster enclosure were not visible from the Synagogue, or its parking lot, or the street. It was not visible from anywhere that members of the Congregation would ordinarily go. *See* Exhs. 4-11 (photographs depicting the outward views from the vandalized walls of the dumpster enclosure and the east side of the dumpster enclosure) and Exh 12 (photograph of the east wall of the dumpster enclosure).

The defacement of Synagogue property with Nazi symbols was a cruel and terrible thing to do. The pain and sadness felt by the members of the Congregation must have been awful. One can only imagine

how horrifying it would have been for families, and especially for children, to see this hateful graffiti anywhere on the property as they arrived that Saturday morning for Shabbat Services. Fortunately, that did not happen because the defacement was so remotely located. It was apparently first noticed on Saturday by a neighbor mowing his back yard who notified the Synagogue. Less than twenty-four hours later, more than two dozen news stories had already been published and Vice President Mike Pence had already condemned the crime on Twitter. By Monday another twenty-five news stories had been published.

Playing with fire at Alex's house

On the night of the offense, Nolan and his co-conspirator spent time with Nolan's long-time friend, Alex Hitchcock. For a year or more, Nolan, Alex, and several other friends had gathered most weekends at Alex's house to hang out. They watched movies, played video games, and had fires in the back yard. So it was not strange to Alex that they experimented with homemade "napalm" by mixing Styrofoam and gasoline and lighting it on fire. To Alex, that was just part of their messing around and hanging out. For example, Alex had a sword and it was fun to coat the sword in the homemade napalm and light it on fire.

Besides experimenting with fire, Nolan and his friends attempted to experiment with so-called "Drano bombs." They had learned online that combining liquid drain cleaner and aluminum foil in a Gatorade bottle will create an over-pressure "explosion" and blow open the bottle. This is not a combustion based explosion. It is rather a non-combustion chemical reaction that releases gas producing more pressure than a Gatorade bottle can withstand. For Nolan and his friends the experiment fell flat because he had purchased a gel form of drain cleaner did not generate the reaction to over-pressurize the container. Neither Nolan, nor any of his friends, ever bothered to purchase the liquid drain cleaner necessary to create an actual "Drano bomb."

Nolan and his friends had also learned that ceramic pieces from broken spark plugs can shatter glass. These spark plug fragments are sometimes referred to as “Ninja Rocks” because they can break glass. This is the type of stuff that can be seen on the television show “Myth Busters” and which many people, especially young people, find fun and interesting. It did not occur to Nolan or his friends to use these materials with criminal intent. However, Nolan’s co-conspirator may have had something else in mind.

Nolan’s Co-conspirator

Nolan’s co-conspirator was his then 17 year old wife, Kiyomi, who had recently moved in with Nolan and his parents. Kiyomi had a troubled upbringing. She told Nolan that she was conceived at a Las Vegas truck stop when her mother was only 15 years old. When Kiyomi was two or three years old, her great-grandfather took custody of her because her mother and her grandmother were unfit to raise a child. Despite being rescued from an even worse childhood, Kiyomi was still raised in an unhealthy environment and was taught to consider other races as inferior. Kiyomi became an avid participant in white supremacist and radical right wing communication on a server called “Discord.”¹ After moving in with Nolan and his parents, Kiyomi spent several hours per day on Discord while Nolan was at work. Kiyomi found pseudo-academic propaganda that purported to prove her white supremacist beliefs. Every evening, Kiyomi would share her views with Nolan and ask him to read articles she had found. According to Nolan, she began with rightwing yet mainstream views such as those presented on Fox

¹ Discord is a digital distribution platform that specializes in text, image, video and audio communication between users in a chat channel. It was designed for video gaming communities but has gained notoriety for its use by white supremacists. <https://slate.com/technology/2018/10/discord-safe-space-white-supremacists.html>. (site last accessed by counsel on May 19, 2019).

News. She then moved on to writings by Ben Shapiro and articles on Breitbart News which bridged the gap to the notorious white supremacist and anti-Semitic propaganda site Stormfront. Nolan Brewer, for his part, bought into the propaganda. He wanted to please his new wife and the material seemed to make sense to him. Despite buying into these ideas, Nolan had always been a rather docile and passive person and extremely averse to violence or lawlessness. By all accounts, prior to this offense, Nolan was not known to have ever broken even a minor rule.

Beyond her direct involvement with white supremacists on Discord, Kiyomi has been implicated in other acts of vandalism, including arson of at least one church. *See* Exh 12 (Probable cause affidavit, *Indiana v. Renzo Signorino* 03C01-1808-F4-004698). It is clear from their respective histories, as well as their FBI interviews, that Kiyomi was the one pushing a white supremacist ideology on Nolan. It is similarly clear that Kiyomi was the instigator who pushed Nolan to participate in the instant offense. Due to the dynamics of their relationship, Nolan often employed a strategy of not directly opposing Kiyomi's wishes but passively resisting and attempting to redirect her more extreme impulses. The evidence does not prove Nolan ever harbored an actual intent to break into the Synagogue or to do anything more than the terrible act he committed. The government seems intent on taking Nolan's words during the interview and unfairly twisting them into evidence that he intended or attempted to do more than he did.

The Government overstates the evidence of intent to break into the Synagogue

During Nolan's recorded interview with the FBI, he repeatedly denied that he wanted to or intended to break into the Synagogue. FBI agent Bookwalter repeatedly pushes Nolan to admit that they tried to get into the building. Nolan repeatedly denies it. He admits that they wanted to vandalize a wall of the actual building but they settled for the brick walls surrounding the dumpster because they were too afraid to get any closer.

The government asserts that Nolan and his co-conspirator only decided not to burn down the building on their way to commit the offense. That is not true. After more than one and a half hours of interrogation, the agents took a break and then returned to ask Nolan some more questions. Despite the fact that Nolan had already repeatedly denied trying to get into the building, agent Bookwalter feigned ignorance, “So you said you tried to get inside?” (Recording 004 at 00:04:50). Nolan again denied that they tried to get inside. He explained that “Asbestos Pete,” a person with whom Kiyomi had been communicating on Discord, had wanted them to get inside to start a fire. He also described a conversation he had with Kiyomi on their way to commit the offense. The conversation does not evidence a last minute cancellation of a serious plan to break into the Synagogue as the government attempts to portray. It was rather a mutual recognition, or so Nolan believed, that neither of them wanted to attempt to break into the Synagogue. “We’re not going to actually burn the place down. No, no, no, of course not.” (Recording 004 at 00:06:35). Nolan never wanted to do anything remotely that crazy. Nolan persuaded Kiyomi to settle for the dumpster enclosure on the edge of the property.

The History and Characteristics of the Defendant

Contrary to the government’s portrayal, the evidence does not prove that Nolan Brewer is filled with emotionally-based hatred. It is clear from the detention hearing testimony of his father, his pastor, and his Sunday-school teacher that he was not raised to have such hatred. He has not had any sort of life experience that might provoke such hatred. He has lived in the same small town his entire life. He graduated from high school and completed an accelerated associates degree in general studies at Ivy Tech Community College. He has not demonstrated any emotional or psychological deficits or behavioral problems in the past. He has always been a good son, a model student, and a reliable employee. There is no apparent explanation for him to harbor the sort of emotionally-based hatred that would motivate a person to deface the property of a Synagogue with Nazi symbols.

It is clear from Nolan's interview with the FBI that his belief in "national socialism" was intellectually-based rather than emotionally-based and born of pseudo-academic misinformation. It is clear that he has adopted beliefs based on "alt-right" or white nationalist propaganda. Such ideas are indeed dangerous but dangerous ideas are best countered with facts disproving their pseudo-academic foundations. Nolan is not immune to being educated with truth and fact. He is quite eager to learn.

Nolan was motivated by dangerous misinformation and by his now ex-wife to commit a cruel act of vandalism. Radical white supremacists chatting on Discord played on Kiyomi's ignorance and immaturity and emotional confusion. Kiyomi for her part played on Nolan's ignorance and immaturity.

Since committing the offense, Nolan been educating himself about the lies inherent in white supremacy and anti-Semitism. He has been reading about the Holocaust. He has read the Diary of Anne Frank. He requested through counsel to communicate with the Rabbi of the Shaarey Tefilla Synagogue but was rebuffed and told the Rabbi did not want to speak with him. He has attempted to visit the Holocaust Museum in Terre Haute where he would have met and heard the story of an actual Holocaust survivor. Although the museum was eager to receive him, the government, eager to portray him as a monster, successfully fought to prevent the visit. The government is intent on sending a confused but intelligent and educatable young man to prison for as long as they can attempt to justify under the sentencing guidelines.

The Appropriate Sentence

The law requires a sentence that is sufficient but not more than necessary to further the purposes of the sentencing statute. The nature and circumstances of this offense and the history and characteristics of the defendant are discussed above. The sentence must reflect the seriousness of the offense, promote respect for the law and afford a just punishment. In this case, a sentence of probation with a significant amount of community service would suffice to accomplish those purposes. The sentence should protect

the public from further crimes of the defendant. Prison is not necessary or helpful to protecting the public from further crimes by Nolan Brewer. On the contrary, prison tends to reinforce racist beliefs. In prison, Nolan would find himself surrounded by predatory criminals in a racially segregated and dangerously violent environment. The progress he has made could be lost. The sentence should afford adequate deterrence to criminal conduct by others. People with radical racist beliefs are not deterred from their beliefs by the incarceration of others. Those who would commit real crimes of violence for racist reasons will not be deterred by sending Nolan to prison. Those deterred by Nolan's punishment are immature teenagers who might now think twice about committing a petty act of vandalism against a place of worship knowing it could result in a federal criminal prosecution. Such people will be adequately deterred by the prospect of a federal prosecution and the mere possibility of prison time. It is not necessary to send Nolan Brewer to prison in order to deter such potential offenders. A better deterrent would be to force Nolan to speak publically about his mistake as a part of his community service. Prison will not provide Nolan Brewer with any needed educational, vocational, or correctional treatment in the most effective manner. His educational and vocational training and correctional treatment would best be accomplished on probation.

The most important thing to know about Nolan Brewer is that he realizes his mistake. He also realizes the mistakes that led to his mistake. He feels regret for hurting the people of the Shaarey Tefilla Congregation and for hurting all the people who share in their pain. Nolan Brewer's intelligence and kindness and personal quest for growth and understanding far outweigh the recent ignorance that helped motivate his crime. He no longer has the slightest inclination to utter the slightest anti-Semitic or racist remark. His mistake was born of circumstances unlikely to ever recur. Furthermore, his crime was an act of completely aberrant behavior for him. It was aberrant in its lawlessness because Nolan has always been a fastidious rule follower. It was aberrant in its meanness because Nolan has always been kind

hearted and generous. It was aberrant in the circumstances that motivated it because he had never been so misguided and, having educated himself out of that mindset, he will never again be so misguided again.

Respectfully submitted,

/s/ Harold Samuel Ansell
H. Samuel Ansell
Attorney for Brewer

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2019, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

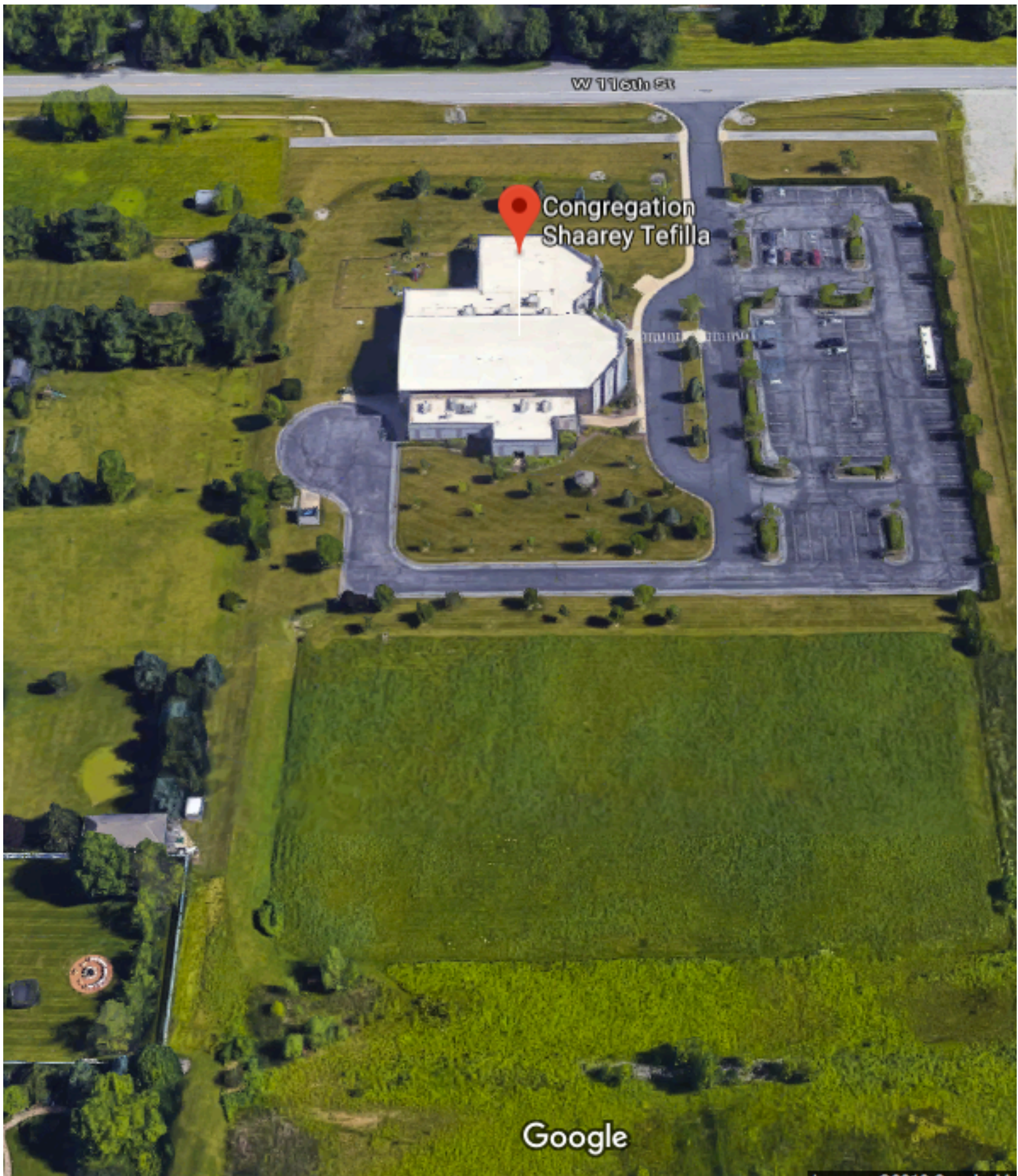
/s/ Harold Samuel Ansell
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Google Maps Congregation Shaarey Tefilla



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CASE NUMBER: 03C01-1808-F4-004698 FILED: 8/24/2018

STATE OF INDIANA) IN THE BARTHOLOMEW _____ COURT
) SS:
COUNTY OF BARTHOLOMEW) CAUSE NO.

STATE OF INDIANA)
)
v.)
)
RENZO M. SIGNORINO)

AFFIDAVIT FOR PROBABLE CAUSE

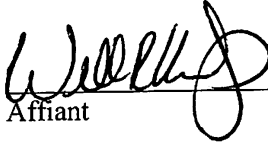
I, William Kinman, hereby affirm under penalties of perjury that the following is true:

1. On July 8, 2017, Deputies Aspenson and Whipker responded to the Ohio Chapel Methodist Church on a report of a burglary. Deputy Whipker observed extensive damage to the interior of the building as well as multiple broken exterior windows.
2. Sgt. Greg Duke requested a detective and I responded to the scene. Upon arrival at the church, I observed evidence of forced entry into the back door of the church. I also observed that the doorknob was missing from the front door of the church and multiple broken exterior windows.
3. Inside the church, I observed extensive damage which included white powder throughout the church that I believed to be from a fire extinguisher, broken glass throughout various areas of the church, and multiple items of church property that had been damaged or destroyed. In the basement, I observed a burnt church pew and fire damage to the wall and ceiling. Photographs were taken to document the extent of the damage.
4. Near the entrance of the church, I observed a guest book. On one sheet of the guestbook, someone had written "God works in mysterious ways." This was photographed as well.
5. Also on July 8, 2017, I made contact with Detective Brian Schrader of the Brown County Sheriff's Office. Schrader informed me he was investigating three church vandalisms that had occurred in Brown County. Schrader and I met and went through photographs taken at each incident. One of the Brown County vandalisms occurred at Pike's Peak Church and in looking at photographs from that incident, I observed a photo of a dry erase board where someone "God works in mysterious ways." I noticed that the handwriting appeared very similar to the handwriting in the guestbook at Ohio Chapel Methodist Church.

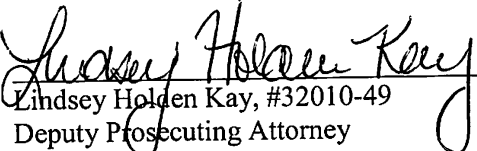
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6. On August 20, 2018, I was contacted by Detective Mark Paris of the Carmel Police Department. Paris informed that he was investigating recent vandalism to the Shaarey Tefilla where a swastika and iron cross were spray painted on the property and a fire had been set outside the synagogue. Paris had identified two suspects in the Carmel vandalism as Noah Brewer and a juvenile, K.B. Paris informed that during his interview with K.B., she had informed him of another church vandalism in Hope, Indiana. K.B. was being held at the Hamilton County Juvenile Center.
 7. On August 21, 2018, Detective Brian Schrader and I went to the Hamilton County Juvenile Center to interview K.B. K.B. is legally married and is therefore emancipated. She was advised of her Miranda rights and agreed to speak with us.
 8. During the interview K.B. advised that she knew who was responsible for the vandalism at the church in "Ogilville." She advised that Renzo Signorino was responsible for the damage to the church and that he had bragged about putting a crucifix in the toilet. I knew that at the Ohio Chapel Methodist Church there had been a crucifix placed upside down in a toilet. K.B. advised that she was cheating on her boyfriend with Signorino at one point and that Signorino had told her about the vandalism. K.B. stated she had previously bragged online about being involved in the vandalism, but that she had not actually been involved.
 9. On August 22, 2018, Detective Schrader and I located Renzo Signorino at his place of employment. Signorino agreed to speak with us. Signorino admitted to driving K.B. to the churches in Brown County and the Ohio Chapel Methodist Church in Bartholomew County. He further admitted to going inside the Ohio Chapel Methodist Church with K.B. and causing some of the damage. Signorino also admitted to being the individual who had written "God works in mysterious ways" in both the Ohio Chapel Methodist Church and the Pike's Peak Church in Brown County.
 10. Finally, I made contact with Christina Ayers a congregation member of the Ohio Chapel Methodist Church. Ayers provided documentation of the estimated cost for repair and clean up of the church that totaled 73,321.49.

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I affirm, under the penalties for perjury, that the foregoing representations are true and the aforementioned events occurred in Bartholomew County, State of Indiana.


Affiant

Subscribed and sworn to before me this 24th day of August, 2018.


Lindsey Holden Kay, #32010-49
Deputy Prosecuting Attorney
Ninth Judicial Circuit
Bartholomew County, State of Indiana